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# THE INDIANA MAGAZINE OF HISTORY

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VOL. V

SEPTEMBER, 1909

No. 3

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## JAMES HUGHES.

*BY H. C. DUNCAN.*

[A paper read before the Monroe County Historical Society, December, 1908.]

OF the many prominent men who have lived in Bloomington—and there have been many—Judge Hughes was, I think, at once the most unique and picturesque character of them all. Of his early life I know but little. He came here when a child with his mother from Maryland; his father never lived in this State. His mother died when he was a child. The story goes that his future wife, then married, took him in her arms, and carried him to see his mother as she lay in her coffin. He had quite a number of relatives—some of prominence, some otherwise—with whom he lived until manhood. When a young man, he was appointed to West Point, where he remained a good student, well up in his classes, until near his graduation, but as he had concluded he would not enter the army, he resigned, giving as his excuse that he did not think any man should be educated at the expense of the Government when he did not expect to follow the profession of arms. It appears, though, that this conclusion was reached only after he had obtained about all the benefits that institution afforded.

After leaving West Point he studied law, and had acquired some reputation as a lawyer, when, near the close of the Mexican war, he was appointed a lieutenant in the Tenth Regulars. This was a sort of political regiment, raised near the cessation of hostilities, which got no nearer the front than New Orleans. Judge Hughes was a Democrat of the straightest sect, and an ardent supporter of Polk's administration. The regiment was recruited almost, if not wholly, in Indiana and Kentucky, and

was officered entirely by Democratic politicians. As nearly all had political aspirations, there was more of a consuming desire to court and receive the approbation of the administration and the party than to advance the cause on the field, jealousies arose which materially detracted from the regiment's efficiency, and it was soon mustered out. There are some members of the regiment yet living in this locality.

Judge Hughes, on the return of peace, returned to this place and began the practice of law. He soon had an extensive practice for that day. As was then the custom with the best lawyers, he traveled the circuit, which was large, consisting of eight counties, viz.: Vigo, Sullivan, Greene, Owen, Putnam, Clay, Morgan and Monroe. Court sat but twice a year in each county; the larger counties, like Vigo, Putnam and Sullivan, had two weeks, while the smaller ones, such as Owen, Monroe and Clay, had but one week. The judge would start out, followed by the lawyers, and the whole circuit would be frequently traversed before they went home. They all stopped at the "tavern," received and accepted such accommodations as could there be had, took their employment after arriving at the county seat, and, if possible, collected their fees before leaving. Judge Hughes was thus brought into contact with and met the very best legal minds of the circuit. The opportunities for investigating questions were meager, the citation of authorities few, but the underlying principles of the law were well in hand, so that the law was as ably presented, but with less consumption of time and citation of authorities than at the present. Outside of the circuit Judge Hughes had quite a clientage, and for a considerable time maintained an office at Bedford.

In 1852 he was an aspirant for the nomination for judge on the Democratic ticket. It early appeared that Judge D. R. Eckle, of Putnam county, an old-time, old-fashioned lawyer, it is said, well grounded in the principles of the common law, but profoundly ignorant of the statutes and the decisions of the courts, would carry off the prize of the nomination. So Hughes moved into a higher and more dignified atmosphere, announcing that the judiciary should be divorced from politics, and accordingly appealed to the people to assist him in its elevation by electing him, which

was done by a very respectable majority. The whole circuit was Democratic, with hardly an opposition county in it, but by a political freak he was elected. During his canvass and for some time prior, he was the editor of a Democratic paper which espoused the cause of a non-partisan judiciary, and incidentally his own cause, with fearful, forcible and convincing rhetoric.

Judge Hughes was a profound lawyer. It is doubtful if there was a better one in this part of the State. As a judge he was upright, bold, courageous and tyrannical. He was fearful of public opinion, but persuaded himself that he was not. A diary—or rather a memorandum of his proceedings at certain courts, evidently made after the adjournment—was for some time in my possession. In that he told of certain statutes he had construed, and how he had ruled on certain questions, in which he would say that, while he was convinced that he was right, he was still fearful he had made a mistake, saying that certain of his friends and prominent persons of the vicinity, naming them, had found fault with his rulings and had attributed them to certain influences.

With a mind as clear as a bell, elegant diction, a close student and a good reasoner, his decisions met with approbation from all good, disinterested people. His work was peculiarly vexatious and irksome. Educated and trained in the rules of pleading and practice of the common law—the outgrowth and the wisdom of years of the very best legal minds—he was called upon to construe the newly adopted code, with all of its innovations and crudities. Of a natural tyrannical and overbearing disposition, augmented by a West Point education and service as an officer in the regular army, he ruled the bar and controlled the proceedings with a rod of iron. The court was supreme, and he was the court. He enforced order, and demanded and procured the proper respect for the court. He had his likes and dislikes—generally dislikes—among the bar. Some members he could hardly endure, others were tolerated after a fashion, and others had his confidence and esteem. To take a change of venue from him—now a common thing—I think much too common—was by him considered a personal affront. In the book to which I refer, he speaks of a lawyer who is yet living, for whom he had the most supreme contempt and often showed it. Judge Hughes ruled

against him. This lawyer prepared and had his client swear to an affidavit for a change of judge on account of bias and prejudice. The judge says in his book: "I never knew him; did not know there was such a man until I came across his name on the docket; did not know his name, residence, politics or religion, therefore could not have any bias or prejudice against him." He then says he called in the grand jury and instructed them especially with reference to the law governing perjury and subornation of perjury, and directed the grand jury especially to investigate the matter, and, if the facts warranted, to return indictments. He then adds practically these words: "Nothing came of it, and I think now it was a mistake."

Judge Claypool, who succeeded him, told me this story. In those days often the judge would be late in arriving at court, and it had grown the custom for the proper officers to meet, elect a judge *pro tem.*, who would call, impanel and charge the grand jury, call the docket, attend to formal matters and have them all out of the way, so that the regular judge, on arrival, could proceed with the business. It was no inconvenience to the local authorities, relieved the judge of much routine work, expedited the business of court, and was considered an accommodation all around, but especially to the regular judge. "Court week" came at Spencer. The proper officers appointed Judge Franklin, now living, an honored citizen of the State, and afterward more than once honored by an election to the bench. Judge Hughes had a most intense dislike for him—almost amounting to hatred. Judge Franklin called and instructed the grand jury and did other routine work, when about eleven o'clock Judge Hughes arrived. Some one congratulated him on what had been done and the dispatch made with the business during his absence. Judge Franklin was still on the bench when Judge Hughes entered and walked down the aisle with the dignity of a Roman senator. Judge Franklin vacated and spoke to Judge Hughes, who never even recognized him. He mounted the bench and called to the sheriff to "open court." This the sheriff did in a half-hearted, apologetic way. "Mr. Sheriff, call the grand jury," said Hughes. The clerk slipped up and whispered that the grand jury had already been organized and instructed. The judge waited for the

sheriff to act, turned again to him and said: "Mr. Sheriff, call the grand jury." That official went to their room, got the bailiff and the twelve men and marched them down in front, where they were again called by name, tried, sworn and charged as if nothing had been done.

When he was on the bench nearly all the traveling was by carriage or on horseback. About that time the Indianapolis & Terre Haute Railroad, now a part of the Vandalia, was built. He started to go from Greencastle to Brazil by rail, but was a little late, and, with a railroad's usual perverseness, the train did not wait, but went off and left him. He was not in a good humor, but drove directly to Bowling Green, then the county seat. At that time that road was largely in evidence in the courts. The first thing on opening court, without any of the preliminaries of impanelling the grand jury—then always the first thing—he called the docket and entered two or three defaults against the road, when some member of the bar suggested that counsel would be in soon and it would be well to wait. He quietly responded: "The railroad does not wait on the court, and the court will not wait on the railroad," and went ahead dismissing cases and taking defaults against the railroad company.

His career on the bench was rather stormy. The bar was disposed to be combative, and resented much of his arbitrary methods. They all conceded his ability, his integrity, his knowledge of the law, and the soundness of his judgment. These were seldom, if ever, called in question, but his tyranny was galling.

In 1856 he was nominated by the Democratic party for Congress from the then third district, extending from here to Switzerland county on the Ohio river. In 1854 his implacable enemy, George Grundy Dunn, of Bedford, had been nominated by the remnant of the old Whig party, and was by the "Know Nothings" elected. The district was strongly Democratic. Hughes put himself in training to beat his old enemy, but the seeds of a wasting disease had been sown by the extraordinary labors of Dunn's canvass, and he was unable to make the race for re-election. John A. Hendricks, afterward colonel of the Twenty-second Indiana regiment, and killed at the battle of Pea Ridge, was nominated against him, but after a joint canvass in almost every township

in the district, and in which it is said Hendricks was worsted, the latter went down in defeat. That was in the early days of the slavery trouble, finally culminating in the Civil War. Hughes was a Southerner by birth and education. His political affiliations had all been with the Democratic party. In this State he was one of its recognized leaders. That party, long in power, had become factional, with two wings, known as the Bright and the Wright factions. One was headed by the Bright family and the other by Joseph A. Wright. They had worked with reasonable harmony in the campaign of 1856. Buchanan had carried the State and the Legislature was Democratic. Both Bright and Wright were aspiring to leadership; both wanted to go to the United States Senate; a rupture was imminent, and Judge Hughes was called from Bloomington, and solved the problem by sending Bright to the Senate and extorting from Buchanan a foreign mission for Wright. Hughes took his seat in the very heat of the Kansas-Nebraska trouble, and at once became an administration leader, and tried to force the Lecompton Constitution on the State of Kansas. In a speech in Congress, delivered March 31, 1858, he used this language: "I said in the presence of many of my constituents, upon a temporary visit to my State, that if every stump in Kansas were a negro, every tree upon her soil a slave driver, and every twig upon the tree a lash to scourge the negro to his daily toil, I would vote for the admission of Kansas under the Lecompton Constitution to preserve the peace of the whole country, and if my constituents did not like it and would let me know it, I would resign." This expressed his views on the slavery question and his attitude toward the free-State people of Kansas.

The Republican party in that year for the first time had a national ticket in the field, and his denunciation of the black Republican party and of abolitionism was intense and terrific. A master of invective and sarcasm, he let no opportunity pass of giving that party the most severe castigations at his command.

In 1858 he was again a candidate for Congress, but the seeds of discord sown by the administration and Douglas Democrats, primarily over the admission of Kansas, but really over the slavery question, had grown and so disrupted and disorganized the party that he and it went down in defeat.

By reason of his loyalty to the administration, the energy, zeal and ability with which he had fought its battles and with it had gone down, he was by President Buchanan appointed a judge of the Court of Claims to fill the vacancy occasioned by the death of Judge Isaac Blackford, also of Indiana, and one of its former judges of the Supreme Court. While retaining his nominal residence at this place, he really from that time forward made his home in Washington. He supported Breckenridge and Lane in 1860, but I think took little part in the canvass.

When Fort Sumpter was fired upon and the Civil War began, he aligned himself on the side of the union and the suppression of rebellion. He lent the whole force of his influence and energy to a vigorous prosecution of the war. He was one of the most pronounced and uncompromising union men in the State. His voice was heard among his old associates and friends pleading for the maintenance of the union and the suppression of the rebellion. His tongue was as bitter, his satire as scathing and his denunciation as intense toward everybody who did not lay aside all previous party affiliations and unqualifiedly join in the suppression of the rebellion and the support of the administration as it had been in former days toward the "black Republicans" and abolitionists. He was one of Governor Morton's most intimate friends and advisers. He ceased to affiliate with the Democratic party, and allied himself with the party for the prosecution of the war. He was on terms of intimacy with President Lincoln and Secretary Stanton, and was frequently called into their councils. Early in the war he resigned from the Court of Claims and entered the practice of law at Washington.

Judge Hughes always had political aspirations. Governor Morton was the acknowledged head of the Republican party of this State, and went to the United States Senate in 1867 without question. Judge Hughes wanted to go. Preparatory to returning to politics, he sought and obtained in 1866 the Republican nomination from this county for the Legislature. He temporarily abandoned his law practice at Washington—the law firm of Hughes, Denver & Peck—and went into the campaign with all the enthusiasm and energy of a man of thirty. And such a campaign! Its like was never before seen in this country, and it



is not probable that it ever will be again. This county had always been Democratic, but the war and the attitude of that party toward its prosecution had narrowed the margin until it was small. The bitterness engendered by the war still existed. The soldiers were all—all that were left—at home. Hughes had been a war man, had formerly been a Democrat. He organized for the campaign. He had a glee club which could and did sing all the old war songs, such as "Rally Around the Flag, Boys," "Tramp, Tramp, Tramp, the Boys Are Marching," "The Old Union Wagon," "Just Before the Battle, Mother," "Marching Through Georgia," "John Brown's Body Lies Mouldering in the Tomb," and many others to which the boys had marched and sung. He got this glee club into a big wagon profusely decorated, drawn by four horses, and prepared for business. He also got a brass cannon—a six-pounder—a squad of artillerymen, old soldiers with team and ammunition, and started out. He spoke in all the towns and half the schoolhouses in the county. His artillery would precede him, firing every few minutes, get to the place appointed, unlimber, fire a half hour, when everybody would come to see the cannon. Then the glee club got in its work. Then Judge Hughes spoke. His speeches were simply wonderful. What is unusual—very unusual for a stump speaker—he never repeated. Dr. McPheeters, a gentleman of rare culture and fine judgment, told me that he heard him at least a dozen times during that campaign, and each speech was independent of the other; that all were convincing models and fit for publication without review or reformation. They all abounded in argument, sarcasm, wit and humor; were elegant, entertaining and captivating. He carried the county, of course.

That session was a stormy one. The Republican majority was large, Judge Hughes was the recognized leader, and he made the minority feel the weight of his hand.

The Legislature to be chosen in 1868 would elect a United States Senator to succeed Governor Hendricks, who had been elected in 1863. Judge Hughes was an aspirant, and to advance his interest he was a candidate for and was elected to the State Senate. So was Colonel Cumback, of Greensburg, who was nominated and elected Lieutenant-Governor, with the tacit under-

standing among certain politicians that in the event of a Republican Legislature he was to go to the United States Senate. Colonel Baker was elected Governor, and he too had aspirations. Prior to the convention Cumback had written Baker—and an unwise thing for a politician to do—proposing that he would not contest with him the nomination for Governor if he, Baker, would support him for the Senate. To this Baker replied with considerable warmth, declining to make any pre-election contracts, and stigmatizing the proposal as “indecent and corrupt.” The canvass was serene, with apparently no selfish ends to be advanced. Cumback, in the language of the street, was a hustler, and succeeded in getting the caucus nomination, with enough Republicans staying away to prevent an election. About that time some old, obscure Democrat from one of the back counties offered a very innocent-looking “whereas and resolution” which, though couched in elegant language, was impressive in tone, calling the attention of that body to the alleged existence of the correspondence between Baker and Cumback, and asking that it be furnished for the use and information of the Senate. Then the display of pyrotechnics began. Governor Baker replied there was such correspondence, that it was private, and that the public was not interested. Cumback stood with Governor Baker, insisted it was not compromising or harmful, that he had such a high regard for the Governor that he could not think of embarrassing him by asking its publication, and finally falling back on this expression: “I shall never break the seal of a private correspondence, so help me God.” That, he thought, ought to settle it, but Governor Baker waived all questions of etiquette on his part, sent the whole correspondence to the Senate, with a communication that it was subject to the disposal of Colonel Cumback. Everybody wanted to know its contents, and the Lieutenant-Governor was compelled to make it public. While Judge Hughes took no active part in the matter, everybody saw and knew that he directed the whole proceeding. The Legislature balloted from day to day; the caucus stood by Cumback, but enough Republicans scattered their votes to prevent an election. Finally the Democrats voted in a body for Hughes, but enough of his crowd still scattered to prevent an election. That was his last

hope. He procured the defeat of Cumback, but was himself defeated. Subsequently he was very bitter toward some of his Republican friends, who stood with him in the bolt, but went back on him on the ballot. At the next session he affiliated with the Democratic party. He succeeded in paying some old scores, had one man who was legally elected expelled, but outside of this accomplished but little. When the Legislature adjourned he returned to Washington, resumed the practice of law, seldom visited Bloomington, taking no part in politics, and in a few years died. His great ambition was to go to the United States Senate, but his failure to reach that position in 1869 left him a disappointed man with no political following, and closed his political career.

Judge Hughes was in many ways a remarkable man. He had strong likes and dislikes. Always an ultra partisan, he was peculiar in that his best friends, and the ones to whom he clung most persistently, belonged to the opposition. Of commanding ability and lofty ambition, he saw others, his inferiors, outstripping him in the political race. To use a homely expression, he always carried a chip on his shoulder. Continually in a quarrel, generally with some one of his own political household, when he got into a quarrel he spared not. One of his weapons was the circular. It was an unimportant and insignificant quarrel in which he did not card the public. It was said he kept a book—I shall not give the name by which he called it—alphabetically arranged, in which was set down, with place, date and circumstances, every questionable act of a possible adversary. He was preparing for a controversy. In his early days the county was strongly Democratic. In fact, it was all one way. A few of the old-timers would get together and through the medium of an alleged convention pass the offices around. In this Hughes was not taken into account. He wanted some office which would take him from Bloomington—possibly a foreign appointment, and it was with his party friends, as it was with Lincoln, “the foreigner, the better,” so they all gave him letters of commendation, each trying to outdo the other in certifying to his worth and singing his praises. He never got the office, but he kept the letters. Convention day came around again, and he threw some kind of a

firebrand into the camp. They all literally jumped on him; he took it quietly, only saying enough to cause the flood-gates of vituperation to be opened. They accused him of about every crime known to the calendar, held him up as a man absolutely without character and unworthy of the confidence of any man or party. Hughes's time came at last, and he hauled out his letters. He would quote the language of first one, then another, would read that one's letter, in which so many good things were said of him, and, shaking his finger—about his only gesture—would say: "Didn't I tell you he would lie?"

His manner of speaking was peculiar. In a speech he never got excited. The attribute of greatness ascribed by Josh Billings to Washington applied to him: "He never slopped over." When he arose to speak, it was with the utmost deliberation. He would toy with a piece of paper, an envelope, a pencil, a book, or anything on which he might lay his hand. He would pass it from one hand to the other, look at it, turn it over, view it from side to side; pull down his collar with one hand, then with the other; speaking with the greatest deliberation, and apparently with the greatest difficulty. This would become painful to the audience. It appeared that he never would proceed. After a while and by degrees he would warm up to his subject and the occasion, and the listener would forget his apparent embarrassment. When it was known he was to speak, there was always a crowd. The occasion made no difference. The people heard him gladly. During the campaigns of 1864, 1866 and 1868 he spoke often. One night, I remember, during the campaign of 1866, there was a small meeting of the Republicans at the court-house—I do not now remember the occasion—and he came. The crowd was small, and he was called on for a speech. I never heard it equalled. For over an hour he stood with his hands in his pockets, talked and talked—talked altogether on local affairs, of the local politicians, of their sins of omission and commission, of what they had done and of what they had left undone, and on their conduct during the war. It appeared that he knew everything that had been done by every man among the local politicians of the opposition, and it was as well dove-tailed and fitted as nicely as if he had spent weeks in its preparation. On another

occasion, during that or the following campaign, a rally with prominent speakers was advertised. Delegations from the out townships, glee clubs, big wagons, banners, little boys and girls with white waists and red skirts and blue caps, were all in evidence. The speakers failed to materialize, and the burden fell on Hughes. Nobody went to hear or listen to him through curiosity, because all had heard him speak times without number, but they went, and he held that audience as far as his voice could reach as I have never seen a grand rally audience held before or since. I heard many say, Republicans and Democrats, that they had never heard it equaled.

In the campaign of 1868 Daniel W. Voorhees was a candidate for Congress. They had been great friends, but were then bitter enemies—at least as far as Hughes was concerned. Hughes challenged him for a joint discussion, to which Voorhees replied that if the Republicans would bring out some representative man who had any standing before the community, or who occupied a position equal to himself, he would consider it, but he had neither the time nor inclination to stop and divide time with every little, insignificant crossroads politician who thought he could make a speech or might be running for the Legislature. That touched Hughes's pride. He could stand abuse, but to be called "insignificant" was too much. That day Voorhees had a meeting in Polk township, and as a sort of counter-irritant Hughes called one that night at the court-house, and, like the man with the heathen Chinese, "he went for him then and there." It was a fearful philippic. He belittled him, spoke of him as a man by the name of Voorhees, "Dan, I believe, is his first name, who imagines he is running for Congress and going around over the country trying to make speeches," etc., and as a clincher he said: "To-day, I understand, he is in Polk township, where the foot of civilized man never trod."

In stature Judge Hughes was about five feet ten inches high, was very fair, had blue eyes, a fringe of light hair at the base of a very large and very bald head, clean-shaven and with clear-cut features. In his latter years he became very corpulent. He was his own master, and under all circumstances his expression was the same. I have heard those who disliked him say he had no more expression than a wooden Indian. It never changed. Dignity

was personified in him. No one ever called him "Jim" to his face, slapped him on the shoulder, or took liberties with his person. He never stopped on the streets to loaf. The dry goods box of early days was to him a complete stranger. He went back and forth from his residence to his office, speaking and nodding to acquaintances and friends, but the occasion was rare that he stopped and talked.

In 1869 I was at Indianapolis during the session of the Legislature, and saw him often—almost daily. He boarded at the old Bates House—then the principal hotel—and had a suite of rooms on the dining-room floor in the southeast corner of the building, fronting on Illinois and Washington streets. During the session he was never away from the city. He was never seen on the streets of Indianapolis during the session except when passing to and from the hotel and the old State House. When he desired to see members or others, they were invited to call at his rooms. He was a high liver, kept an abundance of the finest liquors in his rooms, always accessible, and kept one or two retainers whose sole duty it was to entertain guests, keep the stock replenished, and to supply the wants of his friends. He drank often, taking about a spoonful, well sweetened and well diluted. In personal appearance he was all that could be asked. He bathed and shaved every morning, wore a standing collar, clothed in the latest style and with the finest fabric, wore a soft brown hat, and always looked as if he had just stepped out of a bandbox. His hospitality was unbounded, and sometimes his friends fell by the wayside by reason of its abundance.

He lived in constant fear of assassination or of great bodily harm, boasted of his bravery, of his proficiency with a pistol and a knife, and had a disposition to redress his wrongs on the field of honor by the rules of the code. For that purpose he had a fine brace of dueling pistols, but they were never used in that way. He would demand satisfaction with a dueling affix, expect some sort of an apology, which was usually forthcoming, and it would all pass over. Once he sent a challenge to George Grundy Dunn, of Bedford, who promptly accepted and named double-barreled shotguns at ten paces. That looked like Sherman's definition of war; friends interceded, and the affair was never pulled off. That closed his career as a duelist. One evening some friends were

with him in the back room of his office, a little one-story, two-room brick building, having some liquid refreshments, when he told of having been waylaid, fired upon by unseen enemies and cowardly assassins who were too cowardly to meet him in daylight, but that he had turned loose his artillery and fired his revolver, at which they all ran, and that he passed on undisturbed, undismayed, as a brave and fearless man, conscious of the rectitude of his life and conduct and therefore fearful of no danger. "Dank" Spencer was in the crowd, and he and a friend who knew his road home and about the time he would pass, and that part of his road where assassins would probably lurk if they were about, armed with two old muskets and a revolver each, waited for him to pass. At the proper time they let the muskets, pointed skyward, go off, and then began a fusillade with their revolvers in the same direction. Judge Hughes fired from his revolver toward the flash of the firearms and then proceeded to fall back in reasonably good order—as good as his own and the street's condition would permit. The next day handbills appeared offering fabulous rewards for the cowardly and dastardly would-be assassins, while the newspapers with scare headlines told of the dastardly plot, of political enemies, and of his heroic stand. The old wooden columns and the ceiling of the old courtroom bore evidences of his inclination to shoot.

Judge Hughes, with his magnificent intellect, his great learning, with his boundless ambition, with his unimpeachable honesty and integrity, with his ability as a lawyer and statesman, never reached a position in the State or nation commensurate with his attainments. He was lacking in tact; he was deficient in diplomacy; he was a born fighter; he carried his warfare to the bitter end; he never temporized; he never let up; conciliation was not in his vocabulary; he courted no man's friendship. For these reasons he was no politician. He undertook to win on his personality and the merits of his cause, not by bending the hinged knee, playing the sycophant, or pandering to the crowd.

His death was at Bladensburg, Maryland, on the 24th day of November, 1873, caused by a fall from a carriage, while in the fifty-first year of his age. His body was brought to this place and laid to rest by members of the Bloomington bar, among the scenes of his early turbulent career.